

Docket No. 10738-17

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Non-Fee Amendment; Commissioner of Patents, Washington, DC 20231 on October 17, 2002.

Dynne W. Moore

PATENT

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Patrick Tso et al.	:	Paper No.:
Serial No.:	09/623,006	:	Group Art Unit: 1653
Filed:	August 24, 2000	:	Examiner: Rita Mitra
For:	Antioxidant Peptides	:	Primary Examiner: Karen Cochrane Carlson

RESPONSE TO RESTRICTION REQUIREMENT

Box Non-Fee Amendment
Commissioner for Patents
Washington, DC 20231

Dear Sir:

In the Official Action dated September 19, 2002, the Examiner required restriction under 35 U.S.C. §§ 121 and 372 between claims 1 and 4-12, drawn to a method for treating conditions associated with lipid oxidation; claims 13-27, drawn to a method of inhibiting the progression of atherosclerosis in a patent in need thereof; claims 28-34 and 35-41, drawn to a method of preventing oxidation in lipid-containing food or pharmaceutical; and claims 42-61, drawn to a method of preventing oxidation using a cosmetic or a dermatological composition.

Initially, Applicants note that claims 15-27 are dependent upon claim 1 of Group I. Thus, these claims should be included within Group I. Accordingly, Applicants elect the invention of claims 1, 4-12 and 15-27 of Group I, with traverse. This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine claims 13, 14 and 28-62 with claims 1, 4-12 and 15-27. Accordingly, Applicants request

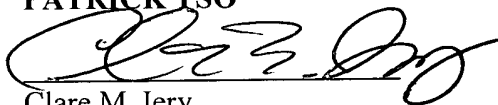
reconsideration and withdrawal of the restriction requirement and examination of claims 1 and 4-62.

The Examiner also required the designation of a specific sequence for the elected group. Applicants elect SEQ ID NO:5, with traverse. This designation is made with traverse on the basis that the sequence listings of the present application are directed to encoding the same protein, Apo A-IV protein, as disclosed in the specification at page 6, lines 6-13, and therefore are not independent/distinct inventions. *See* MPEP §803.04. Accordingly, reconsideration of the sequence designation requirement is respectfully requested.

It is believed that the above represents a complete response to the Official Action and examination on the merits is respectfully requested.

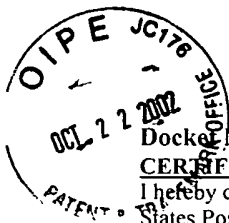
Respectfully submitted,

DAVID Y. HUI
PATRICK TSO



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Filed: August 24, 2000

: Examiner: Rita Mitra

Primary Examiner: Karen Cochrane Carlson

For: **Antioxidant Peptides**

Box Non-Fee Amendment

Commissioner for Patents

Washington, DC 20231

Dear Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

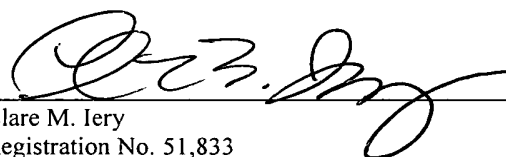
☒ No fee required.

☒ Also attached: Return Receipt Postcard.

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

By:



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Date: October 17, 2002